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# A BILL FOR AN ACT

RELATING TO TELEHEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that one of the  
2 challenges faced by the country's health care system is  
3 providing quality care to segments of the population who do not  
4 have access to essential services because of geographic  
5 limitations. Using telehealth to deliver health care from a  
6 distance is an effective way of overcoming certain barriers to  
7 accessing care, particularly for communities located in rural  
8 and remote areas. This is especially important in Hawaii, where  
9 residents on the neighbor islands and in rural areas do not have  
10 the same level of access to care as residents in urban areas of  
11 Oahu.

12           The legislature further finds that telehealth services are  
13 used extensively across the country with no compromise in  
14 quality of care when the services are within the scope of  
15 practice of a provider. However, reimbursement policies vary  
16 between health plans, leading to confusion among health care  
17 providers and restrictions on patient access to quality health  
18 care.



1           The legislature additionally finds that requiring parity  
2 for telehealth services will empower consumer choice, reduce  
3 disparities in access to care, enhance health care provider  
4 availability, and improve quality of care.

5           The legislature also finds that various sections of the  
6 Hawaii Revised Statutes contain different definitions for or  
7 references to "telemedicine" and "telehealth" and notes that  
8 these definitions and references should be harmonized for  
9 consistency.

10          Accordingly, the purpose of this Act is to:

- 11          (1) Require equivalent insurance reimbursement for  
12                services provided by a health care provider to a  
13                patient, regardless of whether the service is provided  
14                through telehealth or via face-to-face contact between  
15                health care provider and patient;
- 16          (2) Clarify that health care providers for purposes of  
17                telehealth include primary care providers, mental  
18                health providers, oral health providers, physicians  
19                and osteopathic physicians, advanced practice  
20                registered nurses, psychologists, and dentists; and
- 21          (3) Change references to "telemedicine" in the Hawaii  
22                Revised Statutes to "telehealth" for consistency.



1 SECTION 2. Section 209E-2, Hawaii Revised Statutes, is  
2 amended by amending the definition of "medical and health care  
3 services" to read as follows:

4 "Medical and health care services" means medical research,  
5 clinical trials, and [~~telemedicine,~~] telehealth, but not routine  
6 medical treatment or services."

7 SECTION 3. Section 431:10A-116.3, Hawaii Revised Statutes,  
8 is amended by amending subsection (c) to read as follows:

9 "(c) Reimbursement for services provided through  
10 telehealth shall be equivalent to reimbursement for the same  
11 services provided via face-to-face contact between a health care  
12 provider and a patient. There shall be no reimbursement for a  
13 telehealth consultation between health care providers unless a  
14 health care provider-patient relationship exists between the  
15 patient and one of the health care providers involved in the  
16 telehealth interaction[~~-~~] and the patient is accompanied by a  
17 treating health care provider at the time telehealth services  
18 are provided by the consulting health care provider.

19 For the purposes of this section, "health care provider"  
20 means a provider of services, as defined in 42 U.S.C. 1395x(u),  
21 a provider of medical and other health services, as defined in  
22 42 U.S.C. 1395x(s), and any other person or organization who



1 furnishes, bills, or is paid for health care in the normal  
 2 course of business[-], including but not limited to primary care  
 3 providers, mental health providers, oral health providers,  
 4 physicians and osteopathic physicians licensed under chapter  
 5 453, advanced practice registered nurses licensed under chapter  
 6 457, psychologists licensed under chapter 465, and dentists  
 7 licensed under chapter 448."

8 SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes,  
 9 is amended by amending subsection (c) to read as follows:

10 "(c) Reimbursement for services provided through  
 11 telehealth shall be equivalent to reimbursement for the same  
 12 services provided via face-to-face contact between a health care  
 13 provider and a patient. There shall be no reimbursement for a  
 14 telehealth consultation between health care providers unless a  
 15 health care provider-patient relationship exists between the  
 16 patient and one of the health care providers involved in the  
 17 telehealth interaction[-] and the patient is accompanied by a  
 18 treating health care provider at the time telehealth services  
 19 are provided by the consulting health care provider.

20 For the purposes of this section, "health care provider"  
 21 means a provider of services, as defined in 42 U.S.C. 1395x(u),  
 22 a provider of medical or other health services, as defined in 42



1 U.S.C. 1395x(s), and any other person or organization who  
 2 furnishes, bills, or is paid for health care in the normal  
 3 course of business[-], including but not limited to primary care  
 4 providers, mental health providers, oral health providers,  
 5 physicians and osteopathic physicians licensed under chapter  
 6 453, advanced practice registered nurses licensed under chapter  
 7 457, psychologists licensed under chapter 465, and dentists  
 8 licensed under chapter 448."

9 SECTION 5. Section 432D-23.5, Hawaii Revised Statutes, is  
 10 amended by amending subsection (c) to read as follows:

11 "(c) Reimbursement for services provided through  
 12 telehealth shall be equivalent to reimbursement for the same  
 13 services provided via face-to-face contact between a health care  
 14 provider and a patient. There shall be no reimbursement for a  
 15 telehealth consultation between health care providers unless an  
 16 existing health care provider-patient relationship exists  
 17 between the patient and one of the health care providers  
 18 involved in the telehealth interaction[-] and the patient is  
 19 accompanied by a treating health care provider at the time  
 20 telehealth services are provided by the consulting health care  
 21 provider.



1 For the purposes of this section, "health care provider"  
 2 means a provider of services, as defined in 42 U.S.C. 1395x(u),  
 3 a provider of medical or other health services, as defined in 42  
 4 U.S.C. 1395x(s), and any other person or organization who  
 5 furnishes, bills, or is paid for health care in the normal  
 6 course of business[-], including but not limited to primary care  
 7 providers, mental health providers, oral health providers,  
 8 physicians and osteopathic physicians licensed under chapter  
 9 453, advanced practice registered nurses licensed under chapter  
 10 457, psychologists licensed under chapter 465, and dentists  
 11 licensed under chapter 448."

12 SECTION 6. Section 440G-11.5, Hawaii Revised Statutes, is  
 13 amended by amending subsection (a) to read as follows:

14 "[+](a)[+] In conjunction with broadband services, the  
 15 director shall:

16 (1) Promote and encourage use of telework alternatives for  
 17 public and private employees, including appropriate  
 18 policy and legislative initiatives;

19 (2) Advise and assist state agencies, and upon request of  
 20 the counties, advise and assist the counties, in  
 21 planning, developing, and administering programs,  
 22 projects, plans, policies, and other activities to



1 promote telecommuting by employees of state and county  
2 agencies;

3 (3) Support the efforts of both public and private  
4 entities in Hawaii to enhance or facilitate the  
5 deployment of, and access to, competitively priced,  
6 advanced electronic communications services, including  
7 broadband and its products and services and internet  
8 access services of general application throughout  
9 Hawaii;

10 (4) Make recommendations to establish affordable,  
11 accessible broadband services to unserved and  
12 underserved areas of Hawaii and monitor advancements  
13 in communications that will facilitate this goal;

14 (5) Advocate for, and facilitate the development and  
15 deployment of, expanded broadband applications,  
16 programs, and services, including telework,  
17 [~~telemedicine,~~] telehealth, and e-learning, that will  
18 bolster the usage of and demand for broadband level  
19 telecommunications;

20 (6) Serve as a broadband information and applications  
21 clearinghouse for the State and a coordination point



1 for federal American Recovery and Reinvestment Act of  
 2 2009 broadband-related services and programs; and  
 3 (7) Promote, advocate, and facilitate the implementation  
 4 of the findings and recommendations of the Hawaii  
 5 broadband task force established by Act 2, First  
 6 Special Session Laws of Hawaii 2007."

7 SECTION 7. Section 453-1.3, Hawaii Revised Statutes, is  
 8 amended to read as follows:

9 **"§453-1.3 Practice of [~~telemedicine~~] telehealth. (a)**

10 Subject to section 453-2(b), nothing in this section shall  
 11 preclude any physician acting within the scope of the  
 12 physician's license to practice from practicing [~~telemedicine~~]  
 13 telehealth as defined in this section.

14 (b) For the purposes of this section, [~~"telemedicine"~~]  
 15 "telehealth" means the use of telecommunications [~~services~~] as  
 16 that term is defined in section 269-1, including but not limited  
 17 to real-time video [~~or web conferencing~~] conferencing-based  
 18 communication [~~or~~], secure interactive and non-interactive web-  
 19 based communication [~~to establish~~], and secure asynchronous  
 20 information exchange, to transmit patient medical information,  
 21 including diagnostic-quality digital images and laboratory  
 22 results for medical interpretation and diagnosis, for the





1 purposes of delivering enhanced health care services and  
2 information to parties separated by distance, establishing a  
3 physician-patient relationship, [~~to evaluate~~] evaluating a  
4 patient, or [~~to treat~~] treating a patient. [~~"Telehealth" as~~  
5 ~~used in chapters 431, 432, and 432D, includes "telemedicine" as~~  
6 ~~defined in this section.~~]

7 (c) [~~Telemedicine~~] Telehealth services shall include a  
8 documented patient evaluation, including history and a  
9 discussion of physical symptoms adequate to establish a  
10 diagnosis and to identify underlying conditions or  
11 contraindications to the treatment recommended or provided.

12 (d) Treatment recommendations made via [~~telemedicine,~~]  
13 telehealth, including issuing a prescription via electronic  
14 means, shall be held to the same standards of appropriate  
15 practice as those in traditional physician-patient settings that  
16 do not include a face-to-face visit but in which prescribing is  
17 appropriate, including on-call telephone encounters and  
18 encounters for which a follow-up visit is arranged. Issuing a  
19 prescription based solely on an online questionnaire is not  
20 treatment for the purposes of this section and does not  
21 constitute an acceptable standard of care. For the purposes of



1 prescribing a controlled substance, a physician-patient  
2 relationship shall be established pursuant to chapter 329.

3 (e) All medical reports resulting from [~~telemedicine~~]  
4 telehealth services are part of a patient's health record and  
5 shall be made available to the patient. Patient medical records  
6 shall be maintained in compliance with all applicable state and  
7 federal requirements including privacy requirements.

8 (f) A physician shall not use [~~telemedicine~~] telehealth to  
9 establish a physician-patient relationship with a patient in  
10 this State without a license to practice medicine in Hawaii.  
11 Once a provider-patient relationship is established, a patient  
12 or physician licensed in this State may use [~~telemedicine~~]  
13 telehealth for any purpose, including consultation with a  
14 medical provider licensed in another state, authorized by this  
15 section[7] or as otherwise provided by law."

16 SECTION 8. Section 453-2, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) Nothing herein shall:

19 (1) Apply to so-called Christian Scientists; provided that  
20 the Christian Scientists practice the religious tenets  
21 of their church without pretending a knowledge of  
22 medicine or surgery;



- 1           (2) Prohibit service in the case of emergency or the  
2           domestic administration of family remedies;
- 3           (3) Apply to any commissioned medical officer in the  
4           United States armed forces or public health service  
5           engaged in the discharge of one's official duty,  
6           including a commissioned medical officer employed by  
7           the United States Department of Defense, while  
8           providing direct [~~telemedicine~~] telehealth support or  
9           services to neighbor island beneficiaries within a  
10          Hawaii National Guard armory on the island of Kauai,  
11          Hawaii, Molokai, or Maui; provided that the  
12          commissioned medical officer employed by the United  
13          States Department of Defense is credentialed by  
14          Tripler Army Medical Center;
- 15          (4) Apply to any practitioner of medicine and surgery from  
16          another state when in actual consultation, including  
17          in-person, mail, electronic, telephonic, fiber-optic,  
18          or other [~~telemedicine~~] telehealth consultation with a  
19          licensed physician or osteopathic physician of this  
20          State, if the physician or osteopathic physician from  
21          another state at the time of consultation is licensed



1 to practice in the state in which the physician or  
2 osteopathic physician resides; provided that:

3 (A) The physician or osteopathic physician from  
4 another state shall not open an office, or  
5 appoint a place to meet patients in this State,  
6 or receive calls within the limits of the State  
7 for the provision of care for a patient who is  
8 located in this State;

9 (B) The licensed physician or osteopathic physician  
10 of this State retains control and remains  
11 responsible for the provision of care for the  
12 patient who is located in this State; and

13 (C) The laws and rules relating to contagious  
14 diseases are not violated;

15 (5) Prohibit services rendered by any person certified  
16 under part II of this chapter to provide emergency  
17 medical services, or any physician assistant, when the  
18 services are rendered under the direction and control  
19 of a physician or osteopathic physician licensed in  
20 this State except for final refraction resulting in a  
21 prescription for spectacles, contact lenses, or visual  
22 training as performed by an oculist or optometrist



1           duly licensed by the State. The direction and control  
2           shall not be construed in every case to require the  
3           personal presence of the supervising and controlling  
4           physician or osteopathic physician. Any physician or  
5           osteopathic physician who employs or directs a person  
6           certified under part II of this chapter to provide  
7           emergency medical services, or a physician assistant,  
8           shall retain full professional and personal  
9           responsibility for any act that constitutes the  
10          practice of medicine when performed by the certified  
11          person or physician assistant;

12          (6) Prohibit automated external defibrillation by:

13           (A) Any first responder personnel certified by the  
14           department of health to provide automated  
15           external defibrillation when it is rendered under  
16           the medical oversight of a physician or  
17           osteopathic physician licensed in this State; or

18           (B) Any person acting in accordance with section  
19           663-1.5(e); or

20          (7) Prohibit a radiologist duly licensed to practice  
21          medicine and provide radiology services in another  
22          state from using [~~telemedicine~~] telehealth while



1 located in this State to provide radiology services to  
2 a patient who is located in the state in which the  
3 radiologist is licensed. For the purposes of this  
4 paragraph:

5 "Radiologist" means a doctor of medicine or a  
6 doctor of osteopathy certified in radiology by the  
7 American Board of Radiology or the American Board of  
8 Osteopathy.

9 [~~"Telemedicine"~~] "Telehealth" means the use of  
10 telecommunications [~~services~~], as that term is defined  
11 in section 269-1, including but not limited to real-  
12 time video conferencing-based communication, secure  
13 interactive and non-interactive web-based  
14 communication, and secure asynchronous information  
15 exchange, to transmit patient medical information,  
16 [~~such as~~] including diagnostic-quality digital images  
17 and laboratory results for medical interpretation and  
18 diagnosis, [~~and deliver~~] for the purpose of delivering  
19 enhanced health care services and information to  
20 parties separated by distance. Standard telephone  
21 contacts, facsimile transmissions, or email texts, in  
22 combination or by themselves, do not constitute a



1           telehealth service for the purposes of this  
2           paragraph."

3           SECTION 9. Section 455-1.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           "~~§~~**455-1.5**~~§~~ **Exceptions; scope of chapter.** Nothing in  
6 this chapter shall be construed to prohibit or restrict:

7           (1) The practice of a profession by individuals who are  
8           licensed, certified, or registered under the laws of  
9           this State who are performing services within their  
10          authorized scope of practice;

11          (2) The practice of naturopathic medicine by an individual  
12          employed by the government of the United States while  
13          the individual is engaged in the performance of duties  
14          required of the individual by the laws and regulations  
15          of the United States;

16          (3) The practice of naturopathic medicine by students  
17          enrolled in a school that meets the requirements of  
18          section 455-3. The performance of naturopathic  
19          medicine by students shall be pursuant to a course of  
20          instruction or assignments from an instructor and  
21          under the supervision of an instructor who is a



1 naturopathic physician licensed pursuant to this  
2 chapter; and

3 (4) The practice by a doctor of naturopathic medicine duly  
4 registered or licensed in another state, territory, or  
5 the District of Columbia who is called into this State  
6 for consultation with a licensed naturopathic  
7 physician, including in-person, mail, electronic,  
8 telephonic, fiber-optic, or other [~~telemedicine~~]  
9 telehealth consultation; provided that:

10 (A) The naturopathic physician from another state  
11 shall not open an office, appoint a place to meet  
12 patients, or receive calls within this State for  
13 the provision of care for a patient who is  
14 located in this State; and

15 (B) The licensed naturopathic physician of this State  
16 retains control and remains responsible for the  
17 provision of care for the patient who is located  
18 in this State."

19 SECTION 10. Section 457-2.7, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:

21 "(a) Practice as an advanced practice registered nurse  
22 means the scope of nursing in a category approved by the board,





1 regardless of compensation or personal profit, and includes the  
2 registered nurse scope of practice. The scope of an advanced  
3 practice registered nurse includes but is not limited to  
4 advanced assessment; telehealth; and the diagnosis,  
5 prescription, selection, and administration of therapeutic  
6 measures including over the counter drugs, legend drugs, and  
7 controlled substances within the advanced practice registered  
8 nurse's role and specialty-appropriate education and  
9 certification."

10 SECTION 11. Section 466J-6, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) Any provision in this chapter to the contrary  
13 notwithstanding, a license shall not be required for:

- 14 (1) A licensed medical practitioner in radiology;
- 15 (2) A licensed practitioner of nuclear medicine;
- 16 (3) A licensed physician assistant;
- 17 (4) A licensed doctor of dentistry;
- 18 (5) A licensed dental technician;
- 19 (6) A licensed dental hygienist;
- 20 (7) A student in an approved school for radiographers,  
21 radiation therapists, or nuclear medicine  
22 technologists, or in a school of medicine, podiatry,



1 dentistry, or a chiropractic school; provided that the  
2 student is operating x-ray machines under the direct  
3 supervision of a licensed radiographer, licensed  
4 radiation therapist, licensed nuclear medicine  
5 technologist, or a qualified person pursuant to this  
6 chapter; and

7 (8) A radiologist duly licensed to practice medicine and  
8 radiology services in another state who uses  
9 [~~telemedicine~~] telehealth while located in this State  
10 to provide radiology services to a patient who is  
11 located in the state in which the radiologist is  
12 licensed. For the purposes of this paragraph:

13 "Radiologist" means a doctor of medicine or a  
14 doctor of osteopathy certified in radiology by the  
15 American Board of Radiology or the American Board of  
16 Osteopathy.

17 [~~"Telemedicine"~~] "Telehealth" means the use of  
18 telecommunications [~~services~~], as that term is defined  
19 in section 269-1, including but not limited to real-  
20 time video conferencing-based communication, secure  
21 interactive and non-interactive web-based  
22 communication, and secure asynchronous information



1 exchange, to transmit patient medical information,  
2 [~~such as~~] including diagnostic-quality digital images  
3 and laboratory results for medical interpretation and  
4 diagnosis, [~~and deliver~~] for the purpose of delivering  
5 enhanced health care services and information to  
6 parties separated by distance. Standard telephone  
7 contacts, facsimile transmissions, or email texts, in  
8 combination or by themselves, do not constitute a  
9 telehealth service for the purposes of this  
10 paragraph."

11 SECTION 12. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 13. This Act shall take effect on July 1, 2030.



**Report Title:**

Telehealth; Insurance; Health Care Providers; Reimbursement

**Description:**

Requires equivalent reimbursement for services provided through telehealth as for the same services provided via face-to-face contact. Clarifies definition of health care provider for telehealth purposes. Changes statutory references to "telemedicine" to "telehealth" for consistency. (SB2469 HD3)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

